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December 1, 2004

Comments pertaining to STB Docket No. FD 30186 (Sub-No. 3):

We are residents of Big Horn County Montana where our home site is three miles below the Tongue River Dam along the Tongue River. It is located about one mile from the Tongue River Railroad's proposed Western Alignment – depending on where the final location of the track is in the proposed 3,000 foot corridor. According to the draft SEIS, there are zero noise receptors along the proposed Western Alignment. We and our neighbors object to that premise as we will certainly be impacted by railroad construction and operation noise. We will also suffer impact from increased traffic, air and water pollution, weeds and destruction of our view shed.

The more than 130 mile Tongue River Railroad has been studied in such a piecemeal fashion that the STB has no idea what the project's impacts as a whole will be on the Tongue River Valley or its residents. There is no baseline data on wildlife populations or habitat in this SEIS, and it attempts to rely upon biological inventories completed over 20 years ago. These studies are not only out of date, but they also cover only a small percentage of the proposed railroad route - leaving vast areas unstudied. There is no doubt that, before granting any TRR permits, the STB needs to complete a new NEPA (National Environmental Protection Agency) analysis reflecting changes that have occurred in the valley since the EIS was drafted in 1984.

For instance, this SEIS fails to take into account the cumulative effects of the TRR with the predicted significant environmental impacts from CBM development in the area. Powder River Gas has received permits for their first 16 wells in their Coal Creek Project and is expected to begin drilling as soon as January, 2005, along the upper end of the proposed Western Alignment. They are also permitted to dump "treated" water into the Tongue River using a Higgins Loop. The Statewide CBM FEIS predicts that CBM, in and of itself, will cause air and water quality standards violations, cause substantial population-wide impacts on numerous species of wildlife including bald eagles and adversely impact millions of acres of wildlife habitat. The TRR will increase these impacts many times over.

The proposed 17 mile Western Alignment would require moving 17.3 million cubic yards of fill material consisting of rock and high sodium soils. That is an average of more than one million cubic yards per mile. What will that do to air quality and the already fragile Tongue River? What level of erosion will that cause? How can moving a million cubic yards of dirt and rocks a mile be mitigated? How can we pretend that that will be okay with Mother Nature? Remember that the E in EIS and NEPA stands for Environment.

There is no way that the Tongue River Valley environmental and cultural resources can be evaluated by doing a fly over any more than someone can say they have visited our nation's capital by flying over it. The evaluation needs to be done on the ground by an unbiased agency with input from Valley residents. An on-the-ground evaluation of a piece of our property near the proposed Western Alignment was conducted by Western Land Services for Powder River Gas a year ago. They found 19 new prehistoric sites, 3 historic sites and 9 prehistoric isolated finds within the studied project area. According to this SEIS, no on-the-ground studies will be done until **after** the permit is issued. Does that make sense in light of the heavy concentration of Native American occupancy of this area along the Tongue River for hundreds of years?

And, finally, hasn't it been long enough? According to this SEIS, the TRR has been permitted from Miles City to Ashland since 1985 and from Ashland to Decker since 1996. The company has been free to obtain right-of-ways from landowners and begin construction for nearly 20 years. Instead of moving forward with the project, the company has done little but try to sell its scheme to investors. Meanwhile, Tongue River Valley residents have been forced to live under the shadow of an unneeded but permitted railroad and its associated impacts creating a clouded title to our property.

We urge the STB to approve only a "no build" alternative for the proposed TRR Western Alignment.

Thank you for your attention to our comments.

Bill Musgrave

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Judy Musgrave

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